

EXHIBIT 33
FILED UNDER SEAL

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado)
corporation, ORACLE AMERICA,)
Inc., a Delaware corporation;)
and ORACLE INTERNATIONAL)
CORPORATION, a California)
corporation,)
Plaintiffs,)
vs.) No. 2:10-cv-0106
RIMINI STREET, INC., a) LRH-PAL
Nevada corporation; and)
SETH RAVIN, an individual,)
Defendants.)

VIDEOTAPED DEPOSITION OF 30(b)(6) DOUGLAS ZORN
OAKLAND, CALIFORNIA
FRIDAY, SEPTEMBER 16, 2011

REPORTED BY:

REBECCA L. ROMANO, CSR No. 12546

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Veritext National Deposition & Litigation Services
866 299-5127

Transcript Redacted

1	MR. NORTON: Fred Norton of Boies Schiller & Flexner for plaintiff, Oracle.	09:33:30	1	Q. Have you had your deposition taken as a corporate representative before?	09:34:32
2	MR. RECKERS: Rob Reckers, Shook Hardy & Bacon, for the defendants.	09:33:36	2	A. In all those cases.	09:34:35
3	MR. NORTON: Go ahead and identify yourself.	09:33:38	3	Q. Are you familiar with the term a "30(b)(6) deposition"?	09:34:37
4	MS. DARROCH: I'm Kelly Darroch, TM Financial Forensics.	09:33:42	4	A. I am familiar with the term.	09:34:39
5	THE VIDEOGRAPHER: Thank you.	09:33:45	5	Q. It's a lawyer's term.	09:34:42
6	Would the reporter please swear the witness.	09:33:46	6	A. I don't know exactly what it means.	09:34:44
7	THE REPORTER: If you could raise your right hand for me, please.	09:33:47	7	Q. All right. Do you understand that you're testifying today not solely in your individual capacity, but on behalf of Rimini Street?	09:34:45
8	THE DEPONENT: (Complies.)	09:33:48	8	A. Yes.	09:34:46
9	THE REPORTER: You do solemnly state under penalty of perjury that the testimony you're about to give in this deposition shall be the truth, the whole truth and nothing but the truth?	12:22:21	9	Q. In your -- can you just tell me when was the last time you were deposed?	09:34:47
10	THE DEPONENT: Yes, I do.	12:22:21	10	A. About two or three years ago.	09:34:50
11	THE VIDEOGRAPHER: Thank you. Please proceed.	09:34:02	11	Q. Was that prior to the time that you joined Rimini Street?	09:34:55
12		09:34:02	12	A. It was probably both before, and the last time was probably when I was in my employment with Rimini Street.	09:34:58
13		09:34:02	13	Q. What was the -- have you given deposition testimony about any matters concerning Rimini Street before today?	09:35:02
14		09:34:02	14	A. No.	09:35:05
15		09:34:02	15	Q. What was the subject matter of your prior --	09:35:07
16	////	09:34:02	16	your most recent deposition?	09:35:12
17		10	17	A. It was a lawsuit between PricewaterhouseCoopers and a company called Appiant Technologies.	09:35:15
18	DOUGLAS ZORN,	09:34:02	18	Q. And were you employed by one of those two companies at the time of --	09:35:19
19	the witness, having been administered an oath by the Court Reporter, testified as follows:	09:34:02	19	A. By Appiant.	09:35:23
20	EXAMINATION	09:34:02	20	Q. -- your deposition?	09:35:27
21	BY MR. NORTON:	09:14:52	21	I beg your pardon?	09:35:31
22	Q. Good morning.	09:34:03	22	A. By Appiant.	09:35:33
23	A. Good morning.	09:34:03	23	Q. I know you have been deposed before, and so I assume you are somewhat familiar with the process.	09:35:35
24	Q. As you heard, my name is Fred Norton, and I represent --	09:34:04	24	A. Uh-huh.	09:35:39
25	A. Okay.	09:34:06	25	Q. I'll go over a couple of ground rules just so we're -- we have the same understanding of the process.	09:35:42
1	Q. -- Oracle. And I'll be asking you questions for a good part of today.	09:34:07	1	A. Okay.	09:35:44
2	A. Okay.	09:34:10	2	Q. As you can see, we are videotaping today's deposition, and we have a court reporter as well. Notwithstanding the fact that there's a videotape, you have to give audible answers so that the court reporter can take them down.	09:35:48
3	Q. Just -- can we begin by just -- would you please state your name for the record.	09:34:11	3	A. Yes.	09:35:50
4	A. It's Douglas Zorn, Z-O-R-N.	09:34:13	4	Q. So a "yes" or a "no" as opposed to a shake of the head or --	09:35:53
5	Q. And by whom are you currently employed?	09:34:15	5	A. Yes.	09:35:58
6	A. Rimini Street, Incorporated.	09:34:18	6		
7	Q. And what is your position at Rimini Street?	09:34:20	7		
8	A. I'm the CFO.	09:34:21	8		
9	Q. Have you had your deposition taken before?	09:34:23	9		
10	A. Yes.	09:34:27	10		
11	Q. And how many times?	09:34:27	11		
12	A. Five or six times.	09:34:30	12		
13		11	13		

1	Q. -- nod of the head. 09:36:15	1	testifying on behalf of Rimini Street with respect to 09:38:13
2	Fine. If at any time you don't understand my 09:36:16	2	each of those topics? 09:38:17
3	question, let me know. I'll do my best to rephrase it. 09:36:19	3	A. Yes, I do. 09:38:18
4	Even when it's really obvious where I'm going -- and 09:36:22	4	Redacted
5	often it's really obvious where I'm going -- if you can 09:36:24	5	
6	let me finish my question and then give an answer. 09:36:26	6	
7	Otherwise, we talk over each other and the court 09:36:28	7	
8	reporter can't really get a clear record. 09:36:31	8	
9	So sometimes we kind of get going in a more 09:36:33	9	
10	conversational fashion and we both forget, but we need 09:36:36	10	
11	to have a clear question, complete question, complete 09:36:38	11	
12	answer for the record. 09:36:40	12	
13	Is that clear? 09:36:41	13	
14	A. Yes. 09:36:45	14	
15	Q. If you need to take any breaks throughout the 09:36:45	15	
16	day, as I said, we'll certainly go through lunch and 09:36:45	16	
17	into the afternoon, so we should take breaks when you 09:36:47	17	
18	need them. 09:36:51	18	
19	The only exception to that is if there's a 09:36:52	19	
20	question pending, then I'll expect you to answer that 09:36:53	20	
21	question before we take a break. 09:36:56	21	
22	Do you understand that? 09:36:58	22	
23	A. Yes. 09:36:59	23	
24	Q. And there's an exception to the exception, 09:36:59	24	
25	which is if you feel like you are not able to answer my 09:37:01	25	
	14		16
1	question because you think that it might implicate an 09:37:04	1	Redacted
2	attorney-client privilege, then we can stop. You can 09:37:06	2	
3	ask Mr. Reckers for advice about how to answer, and we 09:37:09	3	
4	can come back and resolve the issue. 09:37:12	4	
5	Okay? 09:37:14	5	
6	A. Okay. 09:37:15	6	
7	MR. NORTON: All right. Let's mark our first 09:37:15	7	
8	exhibit of the day, Exhibit 417. 09:37:18	8	
9	(Whereupon, Exhibit 417 was marked for 09:37:20	9	
10	identification.) 09:37:21	10	
11	Q. (By Mr. Norton) Have you seen Exhibit 417 09:37:42	11	
12	before? 09:37:44	12	
13	A. Yes, I have. 09:37:45	13	
14	Q. And what do you understand that to be? 09:37:45	14	
15	A. This is the substance of which I'm going to 09:37:47	15	
16	be testifying to here in this deposition. 09:37:49	16	
17	Q. Okay. So if we turn to -- there's a -- the 09:37:53	17	
18	third page of the document, which bears at the top, 09:37:57	18	
19	"Schedule A." 09:38:00	19	
20	A. Yes. 09:38:01	20	
21	Q. And there are four topics listed under the 09:38:01	21	
22	heading "Topics." 09:38:08	22	
23	And you reviewed all those? 09:38:08	23	
24	A. Yes, I did. 09:38:11	24	
25	Q. Okay. And do you understand that you are 09:38:12	25	
	15		17

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Redacted	38
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Redacted	195	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<div>Redacted</div> <div>Q. Okay. You used the term "shelfware." 02:36:10 Can you just define what you mean by the term 02:36:13 "shelfware." 02:36:14 A. That's when a client buys software and some 02:36:16 portion of the software they are not using; they 02:36:18 haven't installed it. 02:36:20</div> <div>Redacted</div>	197

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1 STATE OF CALIFORNIA) ss:
2 COUNTY OF CONTRA COSTA)
3

4 I, Rebecca L. Romano, CSR. 12546, do hereby
5 certify:

6 That the foregoing deposition testimony was taken
7 before me at the time and place therein set forth and at
8 which time the witness was administered the oath;

9 That the testimony of the witness and all
10 objections made by counsel at the time of the
11 examination were recorded stenographically by me, and
12 were thereafter transcribed under my direction and
13 supervision, and that the foregoing pages contain a
14 full, true and accurate record of all proceedings and
15 testimony to the best of my skill and ability.

16 I further certify that I am neither counsel for any
17 party to said action, nor am I related to any party to
18 said action, nor am I in any way interested in the
19 outcome thereof.
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24
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Rebecca L. Romano, CSR. No 12546